

REMARKS

Claims 1-24 are pending in the application. Claims 1-15, 19, 22, and 24 are amended by this amendment to clarify the patentable subject matter. No new matter is added by the amendments, which are supported throughout the specification and figures. It is respectfully submitted that the amendments do not require additional search, place the claims in condition for allowance, and/or simplify the issues for appeal, and therefore it is respectfully requested that the amendments be entered. In view of the amendments and the following remarks, Applicants respectfully request reconsideration of the present application.

Claims 1-24 are rejected under 35 USC 102(e) as being anticipated by United States Patent No. 6,570,867 to Robinson et al. (hereinafter referred to as Robinson). Applicant respectfully traverses the rejections for at least the following reasons.

Claim 1 relates to a system for managing a communication network composed of a plurality of subnetworks that includes, *inter alia*, a plurality of element managers provided one for each of the plural subnetworks. In amended claim 1, ***at least one subnetwork of the plurality of the subnetworks has a different technology than other subnetworks of the plurality of subnetworks.***

Applicant's claims recite that subnetworks include multiple communication apparatus, and individual subnetworks perform communication using different communication schemes (i.e., all of the subnetworks do not use the same communication technology). As further recited in Applicant's claims, the information network managing apparatus uses the QoS capability information collected from different subnetworks which use different communication technologies, in creating QoS capability managing view, and selects a subnetwork having a QoS capability which is requested end-to-end.

Robinson apparently discusses a cost-efficient and effective framework for network management of a telecommunications network. According to Robinson, the management is done within a framework of a single telecommunication network by monitoring the network-level concepts of routes and paths. However, Robinson does not disclose *subnetworks within a telecommunications network*, nor more specifically that *at least one network of the plural subnetworks has a different technology than other subnetworks of the plural subnetworks*.

In the Office Action, Robinson's network elements 24 are analogized to Applicant's element managers, and Robinson's route and path management (RPM) 20 is analogized to Applicant's network manager in claim 1. However, Robinson fails to disclose "at least one subnetwork of the plurality of the subnetworks having a different technology than other subnetworks of the plurality of subnetworks" as recited in claim 1 and shown in Fig. 1, for example, of the instant application. The Examiner relies on Robinson at column 5, lines 20-23 as disclosing at least one subnetwork of the plurality of the subnetworks having a different topology than other subnetworks of the plurality of subnetworks (Office Action, page 10, lines 11-13). However, this section of Robinson states in its entirety, with some accompanying context:

These variables are referred to as managed objects and are maintained in a database referred to as a management information base (MIB) unique to each network element. Therefore, when the network manager 1 requests information relating to a particular element of the IP network 10, that information is obtained from the associated MIB via the agent assigned to the particular network element.

(Robinson; col. 5, lines 19-26). The discussion in the cited section relates to network elements, however there is no discussion of different subnetworks, nor more particularly any discussion of different subnetworks having a different technology *or* a different topology. However, in the interest of expediting prosecution, Applicant has amended the claims to eliminate the reference

to another topology. Therefore, as amended, claim 1 includes the feature that at least one network of the plural subnetworks has a different technology than other subnetworks of the plural subnetworks. Robinson's network elements are not subnetworks as discussed above, and in addition each network element in Robinson has the same technology. Hence, this feature of the present invention is not taught by Robinson.

According to MPEP section 2131, to anticipate a claim, the reference must teach every element of the claim. Since elements of the present invention are clearly missing in the reference, it is respectfully submitted that Robinson does not anticipate (or render obvious) Applicant's claim 1. Withdrawal of the rejection is respectfully requested.

Claims 2, 4, and 5 depend, either directly or indirectly, from independent claim 1 and inherit all of its features. Since claim 1 is allowable as discussed above, at least for those reasons claims 2, 4, and 5 are also allowable by virtue of their dependency. Withdrawal of the rejections of claims 2, 4, and 5 is, therefore, earnestly solicited.

Applicant essentially repeats the above arguments with respect to independent claims 2-15, 19, 22, and 24 to submit that it is not anticipated by Robinson. Withdrawal of the rejections is, therefore, respectfully requested.

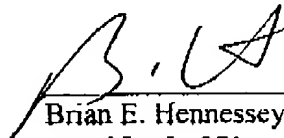
Claims 16-18, 20, 21, and 23 depend, either directly or indirectly, from independent claims and inherit all of their features. Since the independent claims are allowable, at least for those reasons claims 16-18, 20, 21, and 23 are also allowable by virtue of their dependency. Withdrawal of the rejections of claims 16-18, 20, 21, and 23 is, therefore, earnestly solicited.

CONCLUSION

In view of the remarks set forth above, this application is believed to be in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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